

TITLE 46

Waters and Navigation

CHAPTER 46-15.7

Management of the Withdrawal and Use of the Waters of the State

46-15.7-1. Legislative findings and declaration. - (A) The general assembly finds that:

(1) The Constitution of the state of Rhode Island charges the general assembly with responsibility for the conservation of all natural resources, including water.

(2) The supply of fresh water available to the people of Rhode Island for use in their daily lives and to support agriculture, hydropower, indigenous wildlife and plant species, navigation, water-based recreation, wetlands, and other uses is finite and is not equally available or accessible throughout the state.

(3) A significant portion of the fresh water resource of the state is already being used to serve a variety of needs and purposes and the total volume and quality of the remaining fresh water resource of the state is subject to quantitative, qualitative, or geographic constraints on its availability or use.

(4) Allocation of the water resource of Rhode Island has thus far been accomplished on a random, first come, first served, or ad hoc basis with minimal or no consideration given to overall allocation of the resource so as to meet all present and foreseeable future needs.

(5) All of the data needed to properly manage the allocation and use of the water resource of the state are not available. The responsibility to provide essential data rests primarily upon those who withdraw and use the waters of the state.

(B) Therefore, the general assembly declares that:

(1) Management of the amounts, purposes, timing, locations, rates, and other characteristics of fresh water withdrawals from ground or surface waters is essential in order to protect the health, safety, and general welfare of the people of the state of Rhode Island, to promote the continued existence, diversity, and health of the state's native wildlife and plant species and communities, and the fair and equitable allocation of the water resource among users and uses, and to insure that long-range rather than short-range considerations remain uppermost.

(2) To support these objectives adequate data is essential to determine the capabilities of the states water resources to support various uses and users and the quantities of water needed for these uses.

(3) This requirement shall be carried out by management of fresh water resources of the state based on long-range planning for and conservation of these resources; fairness, equitable distribution, and consideration for all human uses; matching the use of water with the quality of water necessary for each use, giving priority to those uses that require the highest quality water; maintenance of native aquatic and terrestrial animal and plant species, populations, and communities and statewide diversity; continued upholding of and improvement in the quality of the environment and especially of the water resources itself; and careful integration with all other social, economic, and environmental objectives, programs, and plans of the state.

(4) The water resources board shall be the state agency which manages the withdrawal and use of the waters of the state of Rhode Island.

46-15.7-2 Definitions. – The following words and phrases shall have the meanings stated herein when used in this chapter:

(1) Board: The Rhode Island Water Resources Board created by chapter 15 of this title.

(2) Person: as defined by § 46-13-2(2).

(3) Safe yield: A sustainable withdrawal that can be continuously supplied from a water source without adverse effects throughout a critical dry period with a 1 percent chance of occurrence, or one that is equivalent to the drought of record, whichever is worse.

(4) Water source: Any location at which ground or surface water may be withdrawn for any purpose, including tidal waters, harbors, estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes, ponds, impoundments, diversion structures, wetlands, aquifers, recharge areas, and any others that are contained within, flow through, or border on this state or any portion thereof.

(5) Water Supply System Management Plan: A plan, which may be an element of a local comprehensive plan, adopted and approved in accordance with chapter 15.3 of this title.

(6) Withdrawal: Taking of water from a water source for any purpose, regardless of the quantity or quality of the water taken or its eventual disposition including return to the same water source.

46-15.7-3 Functions of the Water Resources Board. – Actions authorized or directed by this section must be taken in accordance with the Administrative Procedures Act, chapter 35 of title 42.

(A) The Board shall adopt by rule standards and procedures for implementation of the requirements of this chapter that are consistent with applicable statutes.

(B) The Board shall conduct a comprehensive and detailed inventory of the water resources of this state, and shall maintain the inventory on a current and valid basis.

(1) The purpose of this inventory shall be to establish the quantity of water existing in every water source, the quantity that is being used or is needed for every significant purpose, as listed in § 46-15.7-1(A)(2) preceding, and the quantity that is available to support other uses.

(2) The Board shall use data available from state and federal agencies, local governments, elements of the state guide plan, water supply system management plans, persons who withdraw water, and any other valid information that contributes to accomplishing the purpose of this chapter. It is the responsibility of each water user to provide data, or the best available estimates, on their water withdrawals.

(3) The Board shall gather any other information that will assist it in determining the capability of the state's water resource to support various uses and users, and the quantities of water being used to support these. All of the uses and users listed in § 46-15.7-1(A)(2) and any others that are relevant shall be included.

(C) The Board shall identify any water source where existing uses and users are shown to have reached or threaten to approach or exceed the safe yield of that source.